

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**LATANGA THORNTON &
SHERRIE THORNTON,
Plaintiffs,**

v.

Case No. 06C0845

**LYNDA LUND, et. al.,
Defendants.**

DECISION AND ORDER

Plaintiffs Latanga Thornton and Sherrie Thornton have filed an action pursuant to 42 U.S.C. § 1983 against probation/parole agents Lynda Lund, Darryl Bucholtz, Kristen Swangstu, and Milwaukee Police Officer John Arredono. Plaintiffs assert that defendants unlawfully entered and searched their properties without valid search warrants. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiffs, however, have each requested leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts, Nietzke v. Williams, 490 U.S. 319, 324 (1989), and applies to both nonprisoner plaintiffs and to plaintiffs who are incarcerated, Floyd v. United States Postal Serv., 105 F.3d 274, 275-77 (6th Cir. 1997) (“[T]he only logical interpretation of the statute is that non-prisoners have the option to proceed in forma pauperis under § 1915(a.”). Here, the heightened requirements of the Prison Litigation Reform Act do not apply. See West v. Macht, 986 F.Supp. 1141, (W.D. Wis. 1997). Under § 1915, an indigent party may

commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability "to pay such fees or give security therefor" and stating "the nature of the action, defense or appeal and the affiant's belief that the person is entitled to redress." 28 U.S.C. § 1915(a)(1).

Plaintiffs have filed the required affidavits of indigence. Upon review of those affidavits, the court is satisfied that plaintiffs meet the poverty requirements of 28 U.S.C. § 1915. Plaintiff Latanya Thornton supports herself and her four minor children on an income of \$840 per month, of which \$724 goes to fixed expenses. Plaintiff Sherrie Thornton supports herself and her three minor children on an income of \$1,590 per month, of which \$1,354 goes to fixed expenses. Additionally, plaintiffs have stated the nature of this § 1983 action and asserted their belief that they are entitled to redress.

NOW, THEREFORE, IT IS HEREBY ORDERED that Latanya Thornton's request to proceed in forma pauperis is **GRANTED**.

IT IS FURTHER ORDERED that Sherrie Thornton's request to process in forma pauperis is **GRANTED**.

IT IS ADDITIONALLY ORDERED, pursuant to Fed. R. Civ. P. 4(c)(2), that the U.S. Marshals Service shall serve a copy of the complaint, a waiver of service form and/or the summons, and this order upon defendants. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(b). The current fee for waiver-of-service packages is \$8 per item. 28 C.F.R. §§ 0.114(a)(2). Although Congress requires the court to order service by the U.S. Marshals Service precisely because in forma pauperis plaintiffs are indigent, it has not

made any provision for these fees to be waived either by the court or by the U.S. Marshals Service.

Plaintiffs, however, should provide defendants or their counsel with copies of all future motions or papers filed by the plaintiff in this action.

Dated at Milwaukee, Wisconsin this 21 day of August, 2006.

/s _____
LYNN ADELMAN
District Judge